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Board of Vocational Nursing
and Psychiatric Technicians

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BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. VN-2009-1478

SHARON LOYRRRAINE HERRON
11634 Atkinson Avenue
Hawthorne, CA 90250

A C C U S A T I O N

Vocational Nurse License No. VN 118688

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about November 10, 1983, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number VN 118688 to Sharon Loyrraine Herron (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2011, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2875 provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

5. Section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1, the Board may renew an expired license at any time within four years after the expiration.

6. Section 820 of the Code states:

“Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.”

7. Section 822 provides that:

“If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

“(a) Revoking the licentiate's certificate or license.

“(b) Suspending the licentiate's right to practice.

“(c) Placing the licentiate on probation.

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1 “(d) Taking such other action in relation to the licentiate as the licensing agency in
2 its discretion deems proper.

3 “The licensing agency shall not reinstate a revoked or suspended certificate or
4 license until it has received competent evidence of the absence or control of the condition which
5 caused its action and until it is satisfied that with due regard for the public health and safety the
6 person’s right to practice his or her profession may be safely reinstated.”

7 8. Section 2878 states, in pertinent part:

8 “The board may suspend or revoke a license issued under this chapter [the
9 Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)] for any of the following:

10 “(a) Unprofessional conduct, which includes, but is not limited to, the following:

11

12 “(d) Violating or attempting to violate, directly or indirectly, or assisting in or
13 abetting the violating of, or conspiring to violate any provision or term of this chapter.”

14 9. California Code of Regulations, title 16, section 2518.6 states, in pertinent part:

15 “(b) A licensed vocational nurse shall adhere to standards of the profession and
16 shall incorporate ethical and behavioral standards of professional practice which include but are
17 not limited to the following:

18

19 “(c) A violation of this section constitutes unprofessional conduct for purposes of
20 initiating disciplinary action.”

21 **Cost Recovery**

22 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request
23 the administrative law judge to direct a licentiate found to have committed a violation or
24 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
25 and enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct – Threats of Violence)**

3 11. Respondent is subject to disciplinary action under section 2878, subdivision (a),
4 for unprofessional conduct, by making threats of violence against other persons. A Board
5 requested investigation revealed the following circumstances concerning Respondent's
6 unprofessional conduct:

7 a. On or about June 22, 2009, Respondent, who had been suffering from depression
8 and anxiety, was in a psychotherapy session with Farnoush Aramnia, a marriage and family
9 therapist, and her sister at Kaiser Permanente Medical Center in West Los Angeles (Kaiser). At
10 that time, she was on disability leave from her job as a vocational nurse in Kaiser's Oncology
11 Department, and her supervisor was Marissa Stevens. Respondent stated during the therapy
12 session that "the medications are not helping" and voiced her anger at her co-workers, because it
13 was her perception they were taking her career away from her. Respondent stated that she wanted
14 to "blow them up", referring to "Marissa and the doctors". When asked by the therapist how she
15 was going to do this, Respondent indicated she had a gun at her home. The therapist asked if she
16 would give the gun to her sister for safety, but she refused to do so. When her sister advised her
17 of the serious consequences of harming others, including but not limited to incarceration,
18 Respondent said "I get satisfaction for hurting them."

19 b. After consultation with a few of Kaiser's doctors and other Kaiser staff members,
20 it was decided that Respondent posed a danger to herself and/or others. A security officer at
21 Kaiser was contacted, and Respondent agreed to allow him to search her purse for weapons. No
22 weapons were found in her purse. The sheriff's department was called, but they declined to arrest
23 Respondent or take any other action. An ambulance was called for Respondent, and she was
24 transported to College Hospital in Cerritos, California, on a California Welfare and Institutions
25 Code section 5150 hold for posing a danger to others.

26 c. On or about July 17, 2009, Kaiser obtained an injunction and restraining order
27 against Respondent, in Los Angeles Superior Court Case No. BS 121297, *Kaiser Permanente*
28 *West Los Angeles Medical Center v. Sharon Herron*, in which Respondent was ordered to stay

1 100 yards away from Marissa Stevens and her place of work, and not to assault, batter or threaten
2 Ms. Stevens with violence, among other conditions of the injunction.

3 d. On March 25, 2011, the Board issued an order granting a petition to compel
4 Respondent to appear for a psychiatric evaluation (Order).

5 e. On May 12, 2011, Respondent appeared before a licensed psychiatrist for a
6 psychiatric evaluation, pursuant to the Board's Order. The psychiatrist diagnosed Respondent
7 with major depressive disorder with anxiety, severe in the past, and in remission. The psychiatrist
8 recommended that Respondent obtain a less stressful job than the position she held at Kaiser, that
9 Respondent receive psychotherapy on a regular basis, at least twice per month, and for her to
10 continue taking her medication.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Mental and/or Physical Unfitness to Practice Safely as a Vocational Nurse)**

13 12. Respondent is subject to disciplinary action under Sections 820 and 822, in that
14 she may be mentally and/or physically ill to the extent that her ability to practice safely as a
15 vocational nurse is impaired, as set forth in Paragraph 11, (a)-(e) above, and incorporated herein
16 by reference as though set forth in full.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Violations of the Vocational Nursing Practice Act)**

19 13. Respondent is subject to disciplinary action under section 2878, subdivision (d),
20 in conjunction with California Code of Regulations, title 16, section 2518.6, subdivisions (b) and
21 (c), in that, on or about June 22, 2009, Respondent made threats of violence against her
22 supervisor at Kaiser Permanente and others, as described above in Paragraphs 11 (a)-(e), and
23 incorporated herein by reference as though set forth in full.

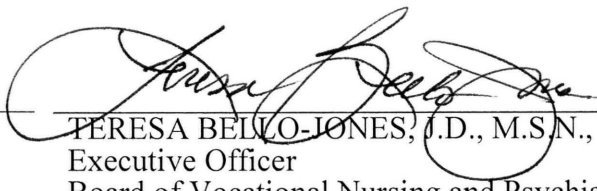
24 **PRAYER**

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
27 issue a decision:
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- 1 1. Revoking, suspending and/or placing on probation Vocational Nurse License Number
- 2 VN 118688, issued to Sharon Loyrraine Herron;
- 3 2. Ordering Sharon Loyrraine Herron to pay the Board of Vocational Nursing and
- 4 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,
- 5 pursuant to Business and Professions Code section 125.3; and
- 6 3. Taking such other and further action as deemed necessary and proper.

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8 DATED: Septemner 6, 2011


TERESA BELLO-IONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric
Technicians
Department of Consumer Affairs
State of California
Complainant

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